
CHAPTER 73 EVALUATE AN APPLICATION FOR DEVIATION AUTHORITY OR SPECIAL FLIGHT AUTHORIZATION UNDER FAR PART 125

Section 1 Background

1. PTRS ACTIVITY CODES.

- Full or partial deviations: 1328
- Special flight authorizations: 1260

3. OBJECTIVE. The objective of this task is to determine if an applicant is eligible for a letter of deviation authority or a special flight authorization. Successful completion of this task results in the issuance or denial of a letter of deviation authority or special flight authorizations. Inspectors may also use this task to withdraw a letter of deviation authority.

5. GENERAL.

A. Definitions.

(1) An *applicant* is the entity applying for the deviation authority. This may be either an applicant for initial certification under FAR Part 125 or an existing FAR Part 125 operator.

(2) A *deviation holder* is an operator in possession of a letter, issued by a Flight Standards District Office (FSDO), authorizing full or partial deviation from the provisions of FAR Part 125. For the purposes of this chapter and unless otherwise indicated, deviation holder refers to either a FAR Part 125 certificate holder with a partial deviation and an operator with a full deviation operating under FAR Part 91, Subpart F.

(3) A *letter of deviation authority* is a document issued by a FSDO which provides relief from specified sections or all of FAR Part 125 for operators of large aircraft (FAR § 125.1).

B. Emergency Deviation from FAR Part 125. Pilots-in-command (PIC) operating under a FAR Part 125 certificate may deviate from the FAR or the conditions of the operating certificate or operations specifications to the extent necessary to address appropriately an emergency.

(1) Deviations from FAR Part 125 involving the emergency transportation of persons or for the protection of life or property require the operator to submit a written report of the incident to the FAA.

(2) Inspectors must investigate each report of emergency deviation from FAR Part 125 requirements to determine if an actual emergency did occur and whether the incident requires corrective action.

C. Authority. FAR § 125.3 authorizes deviations from the requirements of FAR Part 125 for both applicants for FAR Part 125 certificates or certificate holders.

(1) A letter of deviation authority may provide complete or partial relief from FAR Part 125 depending upon the applicant's request, the circumstances of the operation, and the justification presented by the applicant or operator.

(2) Deviation authority permits a different standard from that specified in a particular rule, provided the applicant or operator can provide an equivalent level of safety as required by FAR Part 125.

(3) FAR § 125.3 allows FSDO's to issue letters of deviation authority, in addition to FAR Part 125 operating certificates, without consultation or verification by FAA headquarters.

7. THE DEVIATION PROCESS. Applicants may wish to apply for deviation authority for a number of reasons. Some examples of operations that have safely been granted deviation from all of FAR Part 125 include operators of airplane museums, parachute jumping operations, and corporate flight departments operating airplanes for the carriage of company officials. Adhering to all the requirements of FAR Part 125 would place an unnecessary burden on the operators in these examples because of the nature of the proposed

operations. These operators do not hold out to the public for transportation and are generally strictly engaged in private carriage. The safety record of the corporate fleet operating large airplanes under FAR Part 91, Subpart F, for example, has been justification for granting deviation authority to other, similar operations.

A. Application. An applicant seeking deviation authority from one, several, or all sections of FAR Part 125 must submit a written request (i.e., letter) to the FSDO having geographical jurisdiction over the area of operation or the area where the applicant has based the airplane.

(1) The applicant must include all pertinent information in the letter to justify granting deviation authority.

(2) The applicant must submit the letter to the appropriate FSDO at least 60 days before the date the applicant plans to begin operations.

B. District Office Review of Application. The district office will scrutinize each operator and the circumstances of the proposed operation as part of the process to determine if granting deviation authority is appropriate. Because of the 60-day limitation for formal action on requests for deviation, assessing applications for deviation authority require prompt action when the FSDO receives the request.

C. Tracking Deviations. Each district office that issues a letter of deviation authority must also send a copy of the letter to AVN-120. AVN-120 assigns the holder of a full deviation from FAR Part 125 a four-digit identifier. (Refer to Chapter 203, Obtain Certificate Numbers.)

(1) If the applicant receives a full deviation from FAR Part 125, the FSDO does not issue a certificate, and AVN-120 does not assign a certificate number.

(2) When AVN-120 assigns the full deviation holder a four-digit tracking number, it also provides this number to the FSDO. Under no circumstances shall the FSDO give this number to the deviation holder. This is to ensure that the deviation holder in no way assumes it has some sort of operating certificate.

(3) If a FAR Part 125 operator receives a partial deviation from FAR Part 125, e.g., to conduct a partial emergency evacuation demonstration, the FSDO uses the certificate number assigned to the operator for tracking purposes.

D. District Office Files. The FSDO shall maintain a file on each full deviation holder within its jurisdiction. The FSDO should file information on holders of partial deviations in the operator's file. The file shall include the following information:

(1) The name and address of the person or organization granted the deviation authority.

(2) The make and model of each airplane and the registration number of each airplane.

(3) The approved maintenance program for each airplane.

(4) The contact points in the organization for operational and maintenance information.

(5) A copy of the letter of deviation authority.

(6) Any EIS/AIDS information obtained during the request process.

(7) The four-digit tracking identifier for full deviation holders.

9. CHANGES TO DEVIATION AUTHORITY. The FAA grants a letter of deviation authority based on the character of the operation, and the letter itself is not limited to a particular crew or management official. A deviation holder could have many internal personnel changes, e.g., turnover in pilots or management officials, which would not affect the basis for the issuance of the original deviation.

A. Handling Changes. Turnover of pilots or management personnel would not require significant action by the FSDO, other than to update its file on the deviation holder. However, the deviation holder has the responsibility to apprise the FSDO of changes in information. When changes impact the operations outlined in the letter of deviation authority, e.g., changes in airplanes or routes, the FSDO must re-evaluate the operation. It may be necessary for the deviation holder to apply for a new letter of deviation that reflects the changes.

B. Processing Changes. Deviation holders shall contact the FSDO that issued the deviation authority before making changes to their operations.

(1) When a deviation holder adds to or deletes airplanes, which meet the applicability requirements of FAR § 125.1, from its fleet, the deviation holder must notify the FSDO in writing. The FSDO does not have to acknowledge the change in fleet by letter; however, an inspector should acknowledge receipt of the information verbally and place the information in the deviation holder's file. The FSDO may want to inspect the aircraft and shall review and approve the maintenance program, as appropriate.

(2) When a deviation holder changes its principal base of operations, it must advise the FSDO that issued its deviation letter of the change of address. If the change of address places the deviation holder's base of operations within the jurisdiction of another district office, the FSDO issuing the original deviation letter shall notify the new FSDO and the region in writing and forward the deviation holder's file to the new FSDO.

(3) When a FSDO learns of any changes in a deviation holder's operations which might affect the conditions of the deviation, the FSDO must act to resolve any concerns it may have, e.g., conduct inspections, request a meeting with the deviation holder, etc. Where the issues can be resolved, the FSDO may simply record the changes in the deviation holder's file. The FSDO must then notify the deviation holder in writing that it approves the changes.

C. Changes Requiring Re-issuance of Deviation Authority. The FSDO shall handle changes to the company name, purchase of the company by another entity, changes to the operations authorized, or any change to existing limitations in the letter of deviation authority as if the deviation holder were applying for an original letter. The FSDO shall evaluate requests for these types of changes as if they were original issuances.

D. Annual Verification. Each district office is responsible for planning and programming surveillance and inspection activities for deviation holders within its geographical jurisdiction. The FSDO should verify at least annually that the conditions which warranted issuing the deviation continue to exist. Inspectors must remain alert

for changes in the operator's management, airplanes, procedures, etc., which could affect eligibility for deviation authority. When inspectors learn of operational changes that affect the conditions of the deviation authority, i.e., something that no longer guarantees an equivalent level of safety, they must follow the procedures in Section 2, paragraph 7 of this chapter.

E. Withdrawing Deviation Authority. The FSDO shall withdraw a letter of deviation authority when the deviation holder is conducting operations other than those authorized; has made changes to organization, operation, or maintenance programs which are unacceptable; or no longer operates airplanes which meet the criteria of FAR § 125.1. However, the FSDO should allow deviation holders who no longer have operational control of an airplane which meets the applicability of FAR § 125.1 but who plan to obtain operational control of such an airplane within 120 days to retain its letter of deviation authority. (See Section 2, paragraph 7 of this chapter.)

11. SPECIAL FLIGHT AUTHORIZATIONS.

A. Purpose. A FSDO issues a letter of deviation authority in cases where frequent operations of a specific nature occur over a protracted period of time. However, there are a number of situations, such as sales demonstrations, positioning, etc., where the policy of issuing deviation is not feasible because of the time involved (60 days). For these situations, Flight Standards policy allows the FSDO to issue a Special Flight Authorization (SFA) on a case-by-case basis for specific flights. The FSDO issues the SFA under FAR Part 91 where a particular operation is infrequent or involves short periods of time--usually two weeks or less. In short, FSDO's should issue SFA's when an operation can be conducted safely and the circumstances do not warrant the issuance of a letter of deviation authority.

B. Process. The applicant may be aware of the provision for issuing a SFA or the inspector may determine that an SFA is more appropriate after the applicant has applied for a letter of deviation authority.

(1) In either case the operator must request the SFA in writing, specifically outlining enough information for the inspector to be able to evaluate the proposed operation.

(2) The FSDO issues an SFA in the form of a letter of authorization.

(3) The FSDO cannot issue an SFA for flights that are conducted for compensation or hire.

(4) The letter of authorization issued as an SFA must contain a start date and a stop date for the operations. These dates may be the same as those requested by the operator or dates the inspector has determined are appropriate. The period of time authorized should only be as long as necessary to accomplish the operation, including any expected delays for weather, maintenance, etc.

C. Reasons for SFA's . A FSDO may issue an SFA for various reasons. Some examples follow:

(a) Sales demonstrations.

(b) Flights associated with certification under FAR Part 121.

(c) Ferry flights.

(d) Flights conducted for crewmembers to meet the currency requirements of FAR Part 61 or 63.

(e) Flight of a U.S.-registered airplane located outside the U.S. and operated by foreign nationals for the purpose of flying to the U.S. to obtain FAR Part 125 certification.

(1) If a FSDO encounters another basis for issuing an SFA, the FSDO should coordinate with the region, who may or may not decide to coordinate with AFS-800, before issuing the SFA.

Section 2 Procedures

1. PREREQUISITES AND COORDINATION REQUIREMENTS.

A. Prerequisites. This task requires knowledge of the regulatory requirements of FAR Part 125, FAA policies, and qualification as an Aviation Safety Inspector (Operations).

B. Coordination. This task requires coordination with the airworthiness unit and, possibly, the regional office.

3. REFERENCES, FORMS, AND JOB AIDS.

A. References.

- FAR § 91.501
- Advisory Circular 120-12, Private Carriage vs. Common Carriage of Persons and Property
- Advisory Circular 125-1, Operations of Large Airplanes Subject to FAR Part 125.

B. Forms.

None

C. Job Aids.

- Sample letters and figures
- Methods of Operating Large Airplanes Meeting the Criteria of FAR § 125.1 (Figure 73-1)

5. DEVIATION PROCEDURES.

A. Applicant Requests Deviation Information.

(1) Determine if a full or partial deviation from FAR Part 125 (FAR § 125.3) is appropriate for the applicant or if an SFA is warranted. Use Figure 73-1 for assistance.

(a) If a full or partial deviation is appropriate, inform the applicant that the applicant must submit a letter of request to the FSDO.

(b) If an SFA is appropriate, see paragraph 9 following.

(2) Determine if the applicant's principal base of operations is within the FSDO's jurisdiction.

(a) If so, explain the application procedure.

(b) If not, provide the applicant the address and telephone number of the appropriate office.

B. Receipt of Deviation Request.

(1) Open PTRS.

(2) Review the applicant's letter of request (Figure 73-2) to ensure that it contains at least the following:

(a) Business names and address of the principal base of operations.

(b) Names and brief resumes of aviation management personnel.

(c) Names of airman personnel, including mechanics, and a breakdown of their experience with the airplanes to be operated.

(d) Discussion of the aviation department's position in the overall organization, i.e., relationship with parent and subsidiary companies.

(e) Arrangements for compensating the aviation department.

(f) Airplanes the company operates.

(i) Make and model.

(ii) Registration number for each.

(iii) Special equipment installed (only when requesting deviation from equipment requirements).

(iv) Number of passenger seats.

(v) Company's experience with this make and model or similarly designed airplane, e.g., years of operation.

(g) Maintenance program (Airworthiness).

(h) Accident, incident, and violation history of company and airman personnel.

(i) A discussion of all types of operations proposed.

(j) Compensation planned (FAR § 91.501).

(k) Justification for the deviation.

(i) The subpart, section, and paragraph, or groupings of the same, from which the applicant requests deviation (not required for full deviations).

(ii) The reason for the request.

(iii) The mitigating circumstances which qualify the applicant's operation for a deviation.

(iv) How the applicant can ensure an equivalent level of safety.

(l) The name of the person authorized by the applicant to answer any questions regarding the request and that person's title, address, and telephone number.

C. Discrepancies.

(1) If the letter of request is complete, begin an in-depth review of the information provided.

(2) If the request is incomplete or contains discrepancies, return the request to the applicant with a letter indicating areas needing correction. Keep a copy of the original request for later comparison.

D. Evaluate the Operation's Effect on Safety.

Through an in-depth examination of the information provided by the applicant, determine if the applicant can provide an equivalent level of safety while operating under a deviation from FAR Part 125.

(1) If the evaluation indicates that the applicant cannot provide an equivalent level of safety, inform the applicant that the FSDO must deny the request for deviation authority. (Figure 73-3)

(a) Inform the applicant that the process for certification under FAR Part 125 must begin. (See Chapter 72, Conduct Certification of a FAR Part 125 Operator.)

(b) Close out PTRS.

(2) If the evaluation indicates that the applicant can provide an equivalent level of safety, verify the applicant's compliance and accident/incident history.

E. EIS/AIDS. Through office procedures, obtain the operational history of accidents, incidents, and compliance from EIS/AIDS for the company and its airman personnel.

(1) If the EIS/AIDS output indicates a history of accidents/incidents and/or violations, evaluate the circumstances as they relate to the proposed operation. Determine if the operational history warrants denial of the deviation request. If so, inform the applicant that the FSDO must deny the request for deviation authority. (Figure 73-3)

(a) Inform the applicant that the process for certification under FAR Part 125 must begin. (See Chapter 72, Conduct Certification of a FAR Part 125 Operator.)

(b) Close out PTRS.

(2) If there is no operational history of accidents, incidents, and/or violations or that history is not relevant to the proposed operation, evaluate the applicant's qualifications and experience.

F. Qualifications and Experience. Determine whether the applicant has adequate management personnel to ensure that the applicant conducts operations in accordance with the requirements of FAR Part 125 or that the management can ensure an equivalent level of safety. (See Chapter 72, Conduct Certification of a FAR Part 125 Operator, to review the suggested experience and qualification requirements for FAR Part 125 management personnel.)

(1) If the inspector determines that management personnel's qualifications and experience are not equivalent to the criteria found in Chapter 72, inform the applicant that the FSDO must deny the deviation request. (Figure 73-3)

(a) Inform the applicant that the process for certification under FAR Part 125 must begin. (See Chapter 72, Conduct Certification of a FAR Part 125 Operator.)

(b) Close out PTRS.

(2) If the management personnel's qualifications and experience are equivalent to the criteria in Chapter 72, obtain the maintenance programs/airplane condition information.

G. Maintenance Programs/Airplane Condition. (Airworthiness)

(1) Provide the maintenance program information to an airworthiness inspector for review.

(a) If the airworthiness inspector determines that the maintenance program is not appropriate, have that inspector inform the applicant in writing how the maintenance program must be revised.

(i) Resume the deviation process once the applicant submits a maintenance program acceptable to airworthiness, or

(ii) If the applicant cannot provide an acceptable maintenance program, inform the applicant that the FSDO must deny the request for deviation (Figure 73-3) and that the certification process for a FAR Part 125 certificate must begin. (See Chapter 72, Conduct Certification of a FAR Part 125 Operator.) Close out PTRS.

(b) If the airworthiness inspector determines that the maintenance program is acceptable, continue the deviation process.

(2) Request that an airworthiness inspector determine the airplane's condition by performing an inspection.

(a) If the airworthiness inspector determines that the airplane is not airworthy, have that inspector inform the applicant in writing what must be done to return the airplane to an airworthy condition. Have the airworthiness inspector issue a special ferry permit, if appropriate.

(i) Resume the deviation process once the applicant has returned the airplane to an airworthy condition, or

(ii) If the applicant cannot return the airplane to an airworthy condition, inform the applicant that the FSDO must deny the request for deviation. Explain that the applicant is not eligible for certification as a FAR Part 125 operator. Close out PTRS.

(b) If the airworthiness inspector determines that the airplane is airworthy, continue the deviation process.

H. Compensation.

(1) Determine if the applicant's proposed operation involves compensation.

(a) If so, determine the method of compensation.

(b) If not, issue the letter of deviation authority. (Figures 73-4, 73-5)

(2) Determine the method of compensation.

(3) Determine if the method of compensation falls within the provisions of FAR § 91.501.

(a) If so, determine the relationship of the organizations involved in the compensation.

(b) If not, inform the applicant the FSDO must deny the request for deviation unless the applicant can indicate an alternate method of compensation that does adhere to FAR § 91.501. If the applicant is unable to do so, deny the request for deviation authority (Figure 73-3) and close out PTRS.

(4) Determine the relationship of the organizations involved in the compensation (FAR § 91.501(b)(1)-(9)).

(a) If the relationship of the organizations involved in the compensation meet the criteria of FAR § 91.501(b), issue the letter of deviation authority.

(b) If the relationship of the organizations involved do not meet the criteria of FAR § 91.501(b), inform the applicant that the FSDO cannot issue the deviation authority. (Figure 73-3)

(i) Inform the applicant that the process for certification under FAR Part 125 must begin. (See Chapter 72)

(ii) Close out PTRS.

I. Issue the Letter of Deviation Authority. (Figures 73-4, 73-5)

(1) Prepare the letter of deviation authority and

include any limitations necessary to ensure an equivalent level of safety. Discuss any proposed limitations with the regional office before transmitting the letter to the deviation holder.

(2) Have the district office manager sign the letter of deviation authority and transmit it to the deviation holder.

(3) Close out PTRS.

J. Denial of Deviation Authority.

(1) Indicate to the applicant in writing (Figure 73-3) that the FSDO cannot issue the deviation authority.

(2) Specify in detail the reasons for denial.

(3) Close out PTRS.

7. WITHDRAWING DEVIATION AUTHORITY.

A. Coordination. As appropriate when rescinding a letter of deviation authority, consult with the regional flight standards division.

B. Determine the Reasons for Withdrawal. After learning of a change in the conditions of issuance of the original deviation, use the following criteria to determine if withdrawal is warranted.

(1) Conducting operations other than those authorized by the deviation authority.

(a) Upon learning of the deviation holder conducting operations not permitted by the deviation, send the deviation holder a letter indicating the deviation authority has been rescinded. (Figure 73-6)

(i) Set a date for cessation of operations.

(ii) Explain the reasons why the deviation authority has been withdrawn and that the deviation holder may apply for a new letter of deviation authority or a FAR Part 125 certificate. (See Chapter 72)

(iii) Request the return of the original and all copies of the letter of deviation authority.

(b) Investigate the circumstances of the operation to determine if the operation involved non-compliance. (See Chapter 182, Conduct an Investigation to Determine Compliance.)

(2) The deviation holder makes changes to its organization or operations that affect the conditions of the issuance of the deviation authority

(a) Send the deviation holder a letter rescinding the deviation authority. (Figure 73-6)

(i) Set a date for cessation of operations.

(ii) Explain the reasons why the deviation authority has been withdrawn.

(iii) Request the return of the original and all copies of the letter of deviation authority.

(b) Inform the deviation holder that he or she may apply for a new letter of deviation authority or a FAR Part 125 certificate.

(3) If the deviation holder's maintenance program is found to be unacceptable, refer the matter to airworthiness.

(4) The deviation holder no longer has operational control of airplanes, named in the deviation authority, which meet the criteria in FAR § 125.1.

(a) Determine if the deviation holder plans to obtain operational control of an appropriate airplane within 120 days. If so, allow the deviation holder to retain the deviation authority.

(b) If after 120 days the deviation holder still does not have an appropriate airplane, send the deviation holder a letter rescinding the deviation authority. (Figure 73-6)

(i) Request the return of the original and all copies of the letter of deviation authority.

(ii) Inform the deviation holder that he or she may apply for a new letter of deviation authority or a FAR Part 125 certificate.

C. PTRS. Enter comments indicating the withdrawal of the deviation authority and the reasons for withdrawal.

9. SPECIAL FLIGHT AUTHORIZATION PROCEDURES. If an applicant's request meets the parameters for an SFA (refer to Section 1, paragraph 11 of this chapter), inform the applicant that the applicant must request the SFA in writing.

A. Receipt of SFA Request.

- (1) Open PTRS.
- (2) Review the applicant's letter of request to ensure that it contains at least the following:
 - (a) The date of the request.
 - (b) The legal name of the person or organization requesting the SFA.
 - (c) The airplane make and model and registration number.
 - (d) Methods of compliance with FAR Part 91, specifically the inspection program requirements of FAR § 91.409(e) and (f).
 - (e) The specific dates of operations (usually not to exceed two weeks).
 - (f) The purpose of the proposed operation.

B. Discrepancies.

- (1) If the letter of request is complete, begin an in-depth review of the information provided.
- (2) If the request is incomplete or contains discrepancies, return the request to the applicant with a letter indicating areas needing correction. Keep a copy of the original request for later comparison.

C. Evaluate the Operation's Effect on Safety. Through an in-depth examination of the information provided by the applicant, determine if the applicant can meet the requirements for issuance of an SFA.

- (1) If in-depth evaluation indicates that the applicant cannot meet the requirements for an SFA, inform the applicant that the FSDO must deny the request for an SFA. (Figure 73-7) Close out PTRS.
- (2) If the evaluation indicates that the applicant

can meet the requirements for an SFA, verify the applicant's compliance and accident/incident history.

(a) If the EIS/AIDS output indicates a history of accidents/incidents and/or violations, evaluate the circumstances as they relate to the proposed operation.

(i) If the operational history warrants denial of the SFA request, inform the applicant that the FSDO must deny issuance of the SFA.

(ii) Close out PTRS.

(b) If there is no operational history of accidents, incidents, and/or violations or that history is not relevant to the proposed operation, issue the SFA.

D. Issue the SFA. (Figure 73-8)

- (1) Determine if any additional limitations are necessary.
- (2) Prepare the SFA in the form of a Letter of Authorization.
- (3) Ensure that the letter of authorization includes:
 - (a) The legal name of the person or organization issued the SFA.
 - (b) The airplane make and model and registration number.
 - (c) An indication that the holder of the SFA must comply with FAR § 91.409(e) and (f).
 - (d) The specific dates of the operation, including the start date and the stop date.
 - (e) The specific purpose of the authorized operation.
 - (f) Any limitations deemed necessary.
 - (g) A statement that the letter of authorization must be carried in the airplane during the operation authorized.
 - (h) The issuing district office's address and telephone number.

11. TASK OUTCOMES. The completion of this task results in one or more of the following:

- A. Issuance of a letter of deviation authority.
- B. Denial of a letter of deviation authority.
- C. Withdrawal of a letter of deviation authority.
- D. Issuance of a special flight authorization.
- E. Denial of a special flight authorization.

13. FUTURE ACTIVITIES.

- A. Annual verification that the conditions under which a deviation was issued still exist.
- B. Possible withdrawal of deviation authority.
- C. Possible compliance investigation if conditions of the letter of deviation authority or special flight authorization are not followed.

**FIGURE 73-1 METHODS OF OPERATING LARGE AIRPLANES
MEETING THE CRITERIA OF FAR § 125.1**

FAR Part 125 Certificate

- operates under FAR Part 125
- may have partial deviation issued by FSDO

Letter of Deviation Authority

- FSDO issues
- permanent unless rescinded
- not a FAR Part 125 operator
- operates under FAR Part 91 and conditions of deviation
- examples: corp/exec and parachutists

Special Flight Authorization

- Letter of Authorization
- FSDO issues
- short, usually no more than two weeks duration
- for specific operations
- more limitations (time, number of flights) than a deviation

Special Flight Permit

- FSDO issues (airworthiness)
- ferry to repair airplane

FAR Part 121 Certificate

- operates under FAR Part 121 certificate

FIGURE 73-2 LETTER REQUESTING DEVIATION AUTHORITY

APPLICANT'S LETTERHEAD

In accordance with FAR § 125.3, this is to request deviation authority from all of the requirements of FAR Part 125 for the operation of a Boeing 727-100 aircraft by our client, Valley Vintners, Inc.

Consultants, Inc. has been retained by Valley Vintners, Inc. to acquire and supervise the modification of the airplane and establishment of the B-727 operation. We report to Mr. Pitt M. Stevens, Executive Vice President, Valley Vintners, Inc., at 1121 Trailwood Ave., Manteca, CA 95543. Mr. Stevens will be responsible for the operation of the airplane, which will be used solely for company business and occasional use by family and guests of the company's principals. At no time shall the airplane be available for compensation or hire or any other commercial activity. Therefore, Valley Vintners, Inc. desires to operate the airplane in accordance with FAR Part 91.

The airplane was purchased from Braniff International in March of 1990 and was registered as N7492. The registration has been changed to N1VV. The airplane will be based at Stockton Metropolitan Airport, Stockton, CA.

The complement of FAR Part 121 avionics is being maintained, and long-range navigation and HF communications equipment [types should be specified] are being added. It is currently expected that the aircraft will commence operation in December 1990 with an experienced B-727 crew. Initial and/or recurrent training, as required, will be contracted with [name of a domestic or international certificated air carrier] who operates B-727 aircraft. The same air carrier will also provide cabin attendant emergency training. Although no specifically required by FAR Part 91, Valley Vintners, Inc. will be governed by its comprehensive Flight Department Policies and Procedures Manual, which was prepared by Consultant's Inc. A copy is enclosed.

Upon notification for deviation authority from FAR Part 125, we intend to submit to the Oakland, CA Flight Standards District Office a Continuous Airworthiness Inspection Program, in accordance with FAR § 91.409(e), Option 1. Although Valley Vintners, Inc. will have a certificated airframe and powerplant mechanic in the position of Flight Engineer, major inspections will be performed at [name of a repair station or major FAR Part 121 air carrier maintenance facility]. The maintenance and continuous airworthiness inspection program will be customized to reflect the relatively low use of the airplane in the Valley Vintners, Inc. operation and the progressive accomplishment of the requirements specified in Boeing's Supplemental Structural Inspection Document, D6-48040-1.

Valley Vintners, Inc. has previously operated a Convair 580 which, had a 22-passenger capacity similar to the configuration planned for the B-727, and a Douglas DC-9. These airplanes were operated under FAR Part 91 without accidents, incidents, or violations. These airplanes were based at Stockton Metropolitan Airport and maintained by Aeronautical Services Corporation. Their worldwide operation was managed by Mr. Stevens with assistance from Consultants, Inc.

If there are any questions or if additional information is desired, please do not hesitate to contact the undersigned. Thank you for your cooperation and assistance. We look forward to operating Valley Vintners' latest airplane in a safe and professional manner in accordance with FAR Part 91.

Sincerely,

James T. M. Moore
President

FIGURE 73-3
LETTER DENYING REQUEST FOR DEVIATION AUTHORITY

FAA LETTERHEAD

Date

Applicant's name and address

Dear [name of appropriate official]:

This is to inform you that your request for deviation authority [insert date of letter of request] has been denied.

- Cite the reasons for denial in detail

Any questions concerning this matter should be directed to this office [insert the telephone number and operating hours of the FSDO].

Sincerely,

District Office Manager

FIGURE 73-4 SAMPLE LETTER OF DEVIATION AUTHORITY

FAA LETTERHEAD

DATE

APPLICANT'S NAME AND ADDRESS

Dear [name of appropriate official]:

As requested in your letter of [date], [company name] is hereby issued deviation authority from all of FAR Part 125, except as herein provided, for the purpose of [insert type of operation, e.g., providing transportation of personnel, property, and guests of the company].

This deviation is issued with the understanding that [company name] will

- a. Operate its [make/model of airplane], [registration number], in compliance with FAR Part 91.
- b. Notify the manager of the [name] FSDO of any material change in the facts stated in your request for deviation dated [insert date of applicant's request].

[If appropriate, include any other limitations that are necessary for safe operation.]

Any operations, other than those authorized by this letter, may result in the termination of this deviation authority. This letter of authority must be surrendered upon the request of the Administration or an authorized representative.

A copy of this letter must be carried in the airplane as required by FAR § 125.7 and presented for inspection upon the request of the Administrator or an authorized representative.

Sincerely,

District Office Manager

**FIGURE 73-5 SAMPLE LETTER OF DEVIATION
AUTHORITY FOR CARRYING PARACHUTISTS**

FAA LETTERHEAD

DATE

APPLICANT'S NAME AND ADDRESS

Dear [name of appropriate official]:

As requested in your letter of [date], [company name] is hereby issued deviation authority from all of FAR Part 125, except as herein provided, for the purpose of conducting intentional parachute jumps.

This deviation is issued with the understanding that [company name] will

- a. Operate its [make/model of airplane], [registration number], in compliance with FAR Part 91.
- b. Notify the manager of the [name] FSDO of any material change in the facts stated in your request for deviation dated [insert date of applicant's request].
- c. Use the airplane for the carriage of persons and property only for the purpose of intentional parachute jumps within a 25 statute mile radius of the airport of takeoff.

[If appropriate, include any other limitations that are necessary for safe operation.]

Any operations, other than those authorized by this letter, may result in the termination of this deviation authority. This letter of authority must be surrendered upon the request of the Administration or an authorized representative.

A copy of this letter must be carried in the airplane as required by FAR § 125.7 and presented for inspection upon the request of the Administrator or an authorized representative.

Sincerely,

District Office Manager

FIGURE 73-6 LETTER WITHDRAWING DEVIATION AUTHORITY

FAA LETTERHEAD

DATE

DEVIATION HOLDER'S NAME AND ADDRESS

Dear [name of appropriate official]:

This is to inform you that the letter of deviation authority issued by this office on [insert date of deviation letter], which granted you deviation from [list the sections of FAR Part 125 or indicate all of FAR Part 125], is withdrawn, effective [immediately or specify a date].

- Cite the reasons for withdrawal in detail

In accordance with the conditions of the letter of deviation authority, please return the original and all copies to this office.

Any questions concerning this matter should be directed to this office [include office telephone number and operating hours].

Sincerely,

District Office Manager

FIGURE 73-7 LETTER DENYING SPECIAL FLIGHT AUTHORIZATION

FAA LETTERHEAD

DATE

APPLICANT'S NAME AND ADDRESS

Dear [name of appropriate official]:

This letter is to inform you that your request for a special flight authorization under FAR Part 125 is denied.

- Cite all the reasons for denial in detail, for example:

Example

#1: FAR § 91.137, Temporary Flight Restrictions, permits only those aircraft that are participating in disaster relief activities to enter a designated area specified in a Notice to Airmen. Your request to operation Convair 580, N12BL, in such areas for the purpose of aerial surveillance and sightseeing closer than 5,000' AGL is contrary to the provision of this FAR and would pose interference to those aircraft engaged in the protection and preservation of persons and property.

Example

#2: Your request to operate Boeing 727, N77AB, operated by Ajax Babalucci Enterprises, Inc., in banner-tow operations is contrary to the provisions of FAR §§ 91.311 and 125.11. Although you cite that the banner is only to advertise products of the certificate holder, this could be construed as holding out to the public for transportation services.

Example

#3: Your request to operate Douglas DC-8, N1556, in the VFR corridor of the Los Angeles Terminal Control Area at speeds in excess of 250 knots and below 10,000 feet is contrary to the provision of FAR Part 91. Arguments presented on your behalf have failed to justify this request.

Any questions concerning this matter should be directed to this office [include office telephone number and operating hours].

Sincerely,

District Office Manager

FIGURE 73-8 SAMPLE SPECIAL FLIGHT AUTHORIZATION LETTERS

**Example #1 FOREIGN NATIONALS OPERATION U.S.-REGISTERED AIRPLANES
SPECIAL FLIGHT AUTHORIZATION****FAA LETTERHEAD**

Airplane Manufacturer: Douglas Model: DC-9-14
Serial No.: 1835421
Registration Number: N254

Registered Owner: Mr. Hernando Respro
22 Calle Del Presidente
Fusaguasuaga, Colombia

Mr. Hernando Respro is hereby authorized to operate the airplane identified above for the purpose of flying it from Colombia to Miami International Airport, Miami, Florida, where the required inspections may be performed in order to obtain certification under FAR Part 125. This authorization constitutes authority for flight only over U.S. territory. Permission for flights over or into other countries must be obtained by the owner or operator of the airplane. All airplane operations shall be in accordance with the following restrictions and limitations:

1. A copy of this authorization shall be display in the airplane at all times when operating under the terms of this authorization.
2. Flight to the destination airport will be by the most direct route from the point of crossing the United Sates border and not in conflict with other operating limitations of this authorization.
3. Persons or property may not be carried for compensation hire on board the airplane.
4. The airplane shall be operated only by airmen holding appropriate certificates issued by the United States.
5. All flights shall be conducted in compliance with the applicable General Operating and Flight Rules of FAR Part 91.
6. In the event the operator is unable to obtain a certificate under FAR Part 125 this authorization will permit a one-time exit flight from Miami International Airport, Miami, Florida to a point on the United States border that will permit the most direct route to the country of origin.
7. This authorization shall remain in effect until March 15, 1991.

Issued on March 1, 1991

Signed by District Office Manager

FIGURE 73-8 SAMPLE SPECIAL AUTHORIZATION LETTERS con't

Example #2 CREW TRAINING SPECIAL FLIGHT AUTHORIZATION

FAA LETTERHEAD

NAME AND ADDRESS OF APPLICANT

Dear [name of appropriate person]:

As requested in your letter of [date], [name of company] is authorized to operate its [airplane make/model and registration number] in compliance with FAR Par 91 between [indicate a beginning date and ending date, not to exceed two weeks] for the purpose of qualifying [names of crew] as flight crewmembers for the corporation.

All flights will be conducted within the contiguous United States and within a 100-nautical mile radius of Miami, Florida, without passengers or cargo.

A copy of this letter must be carried on the above numbered airplanes during the operations specified.

Any inquiry regarding this matter should be directed to this office [include office telephone number and operating hours].

Signed by District Office Manager

Example #3 FERRY FLIGHT SPECIAL FLIGHT AUTHORIZATION

FAA LETTERHEAD

NAME AND ADDRESS OF APPLICANT

Dear [name of appropriate person]:

As requested in your letter of [date], [name of company] is authorized to operate [airplane make/model and registration number] in compliance with FAR Part 91 between [indicate a beginning date and ending date, not to exceed two weeks] for the purpose of ferrying the airplane from [departure location] to [destination].

The flight must be conducted along a direct route, subject to ATC clearance, between these points with no en route stops, except in an emergency.

A copy of this letter must be carried on the above numbered airplanes during the operations specified.

Any inquiry regarding this matter should be directed to this office [include office telephone number and operating hours].

Signed by District Office Manager

FIGURE 73-8 SAMPLE SPECIAL AUTHORIZATION LETTERS con't

Example #4 SALES DEMONSTRATION SPECIAL FLIGHT AUTHORIZATION

FAA LETTERHEAD

APPLICANT'S NAME AND ADDRESS

Dear [name of appropriate person]:

As requested in your letter of [date], [name of operator] is authorized to operate [airplane make/model and registration number] in compliance with FAR Part 91 between [indicate a beginning date and ending date, not to exceed two weeks] for the purpose of a sales demonstration.

Only passengers and cargo necessary for the demonstration may be carried.

All flights will be conducted within the contiguous United States and within a 50-nautical mile radius of the airport of departure. [This distance is an example only; flights involving longer distances may be approved.]

A copy of this letter must be carried on the above numbered airplanes during the operations specified.

Any inquiry regarding this matter should be directed to this office [include office telephone number and operating hours].

Signed by District Office Manager

Example #5 TRAINING/PROVING FLIGHTS SPECIAL FLIGHT AUTHORIZATION

FAA LETTERHEAD

NAME AND ADDRESS OF APPLICANT

Dear [name of appropriate person]:

As requested in your letter of [date], [name of company] is authorized to operate [airplane make/model and registration number] in compliance with FAR Part 91 between [indicate a beginning date and ending date, not to exceed two weeks] for the purpose of training flights, proving flights, and other flights associated with certification of the corporation under the requirements of FAR Part 121. Only passengers or cargo incidental to the business of the company may be carried under the provisions of this letter.

A copy of this letter must be carried on the above numbered airplanes during the operations specified.

Any inquiry regarding this matter should be directed to this office [include office telephone number and operating hours].

Signed by District Office Manager